

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SIE ERVINE, et al.,

Case No. 2:10-CV-1494 JCM (GWF)

Plaintiff(s),

ORDER

V.

**DESERT VIEW REGIONAL MEDICAL
CENTER HOLDINGS, LLC, et al.,**

Defendant(s).

Presently before the court is the case of *Ervine v. Desert View Regional Medical Center Holdings, LLC, et al.*, case number 2:10-cr-01494-JCM-GWF. Plaintiff Sie Ervine's complaint alleges violations of the Rehabilitation Act.

On May 29, 2014, a 9th Circuit panel issued an opinion vacating in part, reversing in part, and remanding this court's order on summary judgment. (Doc. # 71). On June 25, 2014, the panel issued its mandate to this court. (Doc. # 72).

The panel, *inter alia*, reversed this court's ruling that all of plaintiff's claims were time-barred. (Doc. # 71). This court then ordered the parties to file supplemental briefing, which the parties have done. The parties have not since made any motions or filed a pretrial order of any type. The 9th Circuit did not make a determination as to whether triable questions of fact existed. Therefore, the court finds that the parties must either present motions for summary judgment if they believe that no triable facts exist or file a joint pretrial order in order for the case to proceed to trial.

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1 Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the parties shall file dispositive motions or a joint pretrial order within **45 days** of this date.

4 DATED October 9, 2015.

Xem C. Mahan
UNITED STATES DISTRICT JUDGE

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